



2026:AHC:58472

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3387 of 2026

Kepin Kumar Constable

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arpan Kumar Pandey, Namit Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Namit Srivastava, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.
2. This Court entertained the writ petition on 12.03.2026 seeking the instructions. Today, instructions have been produced under the signatures of the Circle Officer (Traffic), District Kannauj dated March 2026.
3. Sri Gaurav Singh, learned Standing Counsel has made a statement that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.
4. With the consent of the parties, the writ petition is being decided at the fresh stage.
5. The case of the writ petitioner is that he was appointed on the post of Head Constable and was accorded the work of Head Moharrir in Police Station- Tirwa, District Kannauj. The wife of the writ petitioner preferred an application/ written report dated 15.11.2025 for registration of a first information report against the writ petitioner. Since, according to the respondents, the allegations in the first information report were against the writ petitioner and the writ petitioner in the capacity of Head Moharrir got the first information report registered against him on 15.11.2025, which becomes the basis of placing the writ petitioner under suspension on 19.11.2025 by order of the Superintendent of Police, Kannauj in exercise of

powers conferred under Rule 17 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules 1991.

6. Questioning the suspension order, the present writ petition has been preferred.

7. This Court entertained the writ petition on 12.03.2026 while passing the following orders:-

“1. Contention of the learned counsel for the writ petitioner is that the writ petitioner happens to be a Head Moharrir and the wife of the writ petitioner had approached the concerned Police Station for lodging of the first information report and as per the order of the Inspector of Police, the writ petitioner being Head Moharrir lodged a first information report.

2. Submission is that there is no deviation in the allegations contained in the first information report, vis-a-vis written report lodged by the wife of the writ petitioner. Further submission is that merely because the writ petitioner got the first information lodged by himself against him would not in any manner constitute any misconduct.

3. Sri Gaurav Singh, learned Standing Counsel seeks time to obtain instructions and also apprise the Court whether any charge sheet has been served upon the writ petitioner or not.

4. Put up this case on 20.03.2026, as fresh.”

8. Learned counsel for the writ petitioner has sought to argue that the impugned suspension order cannot be sustained even for a single moment. Elaborating the said submission, it is submitted that no misconduct whatsoever stood committed so as to give a right to employer to place the writ petitioner under suspension, as though the wife of the writ petitioner is stated to have submitted a written report for lodging of first information report against the writ petitioner with regard to the incident dated 12.11.2025, wherein the allegation is that the writ petitioner assaulted his wife but the writ petitioner in all the fairness who while being posted as Head Moharrir proceeded to lodge an first information report against himself. Contention is that there is no allegation of deviation or distorting the allegations made in the written report while lodging the first information report. Learned counsel for the writ petitioner further submits that the writ petitioner is not shy to face the departmental proceedings, but the suspension order proceeds on all irrelevant issues, which are not germane for an act to constitute a misconduct so as to place the writ petitioner under suspension under the departmental Rules.

9. Sri Gaurav Singh, learned Standing Counsel on the other hand submits

that the writ petitioner had proceeded on leave for two days from 13.11.2025 and 14.11.2025. Since the writ petitioner was on leave so the charge held by Head Constable 233 Ram Bhawan stood transferred to Sunil Kumar Constable 696, as apparent from G.D. bearing no.022 dated 15.11.2025 recorded at 10:15 hours and on 15.11.2025, as per G.D. No.026 at 11:54 hours, it is alleged that the writ petitioner had reported before the Police Station and vide GD No. 44 dated 15.11.2025 at 19:24 hours, the charge stood handed over to the writ petitioner. Submission is that it was not open for the writ petitioner even ethically or proprietarywise to get lodged the first information report himself in the capacity of the Head Moharrir. Further submission is that as per the instructions at page-20-21, a complaint was lodged by the wife of the writ petitioner on 18.11.2025 before the Superintendent of Police, Kannauj regarding getting the first information report lodged by the wife of the writ petitioner by the writ petitioner himself and with request to transfer the investigation to any other police station.

10. I have heard the submissions so made across the Bar and perused the records carefully.

11. Apparently, the wife of the writ petitioner namely Smt. Sheetal had approached the concerned police station for lodging of the FIR on 15.11.2025 against the writ petitioner. As per the rival parties, the writ petitioner availed leave from 13.11.2025 to 14.11.2025. The allegations against the writ petitioner is that he in his own without informing the authorities got the first information report bearing no.444 of 2025, under Sections 85/115 (2)/351(2)/352 BNS lodged against himself on 15.11.2025 while acting as a Head Moharrir.

12. On a pointed query being raised to the learned Standing Counsel whether there is any deviation in the allegations contained in the written report, vis-à-vis the first information report, which stood registered by the writ petitioner against himself, the answer is in negative.

13. Prima facie, the Court finds that the G.D. No.022 at 10:15 hours, shows that in the absence of the writ petitioner, who was availing the leave, the charge was handed over to one Sunil Kumar, by Sri Ram Bhawan and G.D. No.26 dated 15.11.2025 on 14:54 hours, shows that the writ petitioner was reported to the concerned police station on 15.11.2025 at 11:54 hours, and the G.D. no.44 dated 15.11.2025 on 19:30 hours shows that the charge was

handed over of the Head Moharrir to the writ petitioner at 19:24 hours and the subject FIR came to be lodged on 15.11.2025 by the writ petitioner in the capacity of Head Moharrir at 19:36 hours on 15.11.2025.

14. Be that as it may be, prima facie, the Court does not find the continuation of the writ petitioner under suspension, particularly when charge sheet has not been issued till date though as per Sri Gaurav Singh, it is pending approval and will be upon the writ petitioner shortly. Accordingly, the writ petition is being decided in the following terms:-

(a) The order dated 19.11.2025 passed by S.P. Kannauj suspending the writ petitioner is set aside.

(b) The departmental enquiry, if any, post service of the charge sheet shall be continued.

(c) The writ petitioner shall participate and the inquiry proceeding shall be concluded within a period of three months from the date of production of certified copy of the order.

(e) The writ petitioner shall be paid subsistence allowance from the date of the passing of the suspension order till his reinstatement, subject to fulfillment of the statutory provisions.

15. It goes without saying that the writ petitioner is to cooperate in the proceeding and in case adjournments are sought then the same shall be on extreme circumstances beyond control and comprehension of more than 10 days at a stretch.

16. Any observations so made in the present order is only confined to issue of suspension. They would have no bearing on the inquiry which would be conducted against the writ petitioner and the inquiry officer/ disciplinary authority are free to pass suitable order in accordance with law.

17. Instructions filed today are taken on record and marked as Appendix 'A'.

March 20, 2026

N.S.Rathour

(Vikas Budhwar,J.)